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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,267	06/01/2006	Hirosuke Kawabata	062455	3159
38834 7590 01/07/2010 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			EXAMINER JACKSON, MONIQUE R	
			ART UNIT 1794	PAPER NUMBER
			NOTIFICATION DATE 01/07/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

Office Action Summary	Application No. 10/581,267	Applicant(s) KAWABATA ET AL.	
	Examiner Monique R. Jackson	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) 1-26 and 34-56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/1/06, 8/29/06, 1/30/09, 7/30/09, 8/17/09</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group IV, Claims 27-33, in the reply filed on 9/10/09 is acknowledged. Claims 1-26 and 34-56 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 27-29 and 31-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujii et al (WO2001/37007, see USPN 6,964,814 for below cited sections.) Fujii et al teach a transparent film comprising a thermoplastic imide resin A having a Tg of more preferably 130°C, and stretched films comprising the resin having substantially no birefringence (*reads upon an orientation birefringence of 0*), wherein resin A is a glutarimide type copolymer resin having a repeating unit represented by formula 5 (*reads upon instant formula 1*), (meth)acrylate repeating units (*reads upon instant formula 2*), and optionally a third monomer such as a styrene type monomer (*reads upon instant formula 3*), with the preferred content of the imide group being 40 to 80% by mole of the overall repeating units in the thermoplastic resin A (Abstract; Col. 9, line 1-65-Col. 10, line 39, *wherein the general film taught by Fujii et al reads upon the claimed "polarizer-protection" film as well as broadly claimed "polarization plate"*.) Though

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Fujii et al do not specifically teach the photoelastic coefficient of resin A as in instant claim 31, the Examiner takes the position that the resin taught by Fujii et al would inherently possess the same photoelastic coefficient given that the imide resin taught by Fujii et al is the same resin comprising the same structural units as the instantly claimed resin.

4. Claims 27-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Maurer et al (USPN 5,218,068.) Maurer et al teach intrinsically low birefringent molding polymers comprising a glutarimide structural unit that reads upon instant formula 1, a styrene structural unit that reads upon instant formula 3, and a methacrylate unit that reads upon instant formula 2, in molar contents that read upon the claimed ratio range of instant claim 30 (Entire document, particularly Col. 6, line 53-Col. 7, line 50; Col. 9-10.) Maurer et al teach that the glass transition temperature of the polymer is preferably at least about 145°C and that the polymers can be molded to produce substrates used as optical devices such as optical disks and lenses (Col. 3, lines 47-50; Example; reads upon claimed "polarization plate" comprising a film of the imide resin.) Though Maurer et al do not specifically teach the orientation birefringence and photoelastic coefficient of the resin as instantly claimed, the Examiner takes the position that the resin taught by Maurer et al would inherently possess the same orientation birefringence and photoelastic coefficient given that the intrinsically low birefringent glutarimide resin taught by Maurer et al is the same resin comprising the same structural units in the same molar ratios as the instantly claimed resin.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujii et al. The teachings of Fujii et al are discussed above. Though Fujii et al teach that the glutarimide type resin comprises the same repeating units as instantly claimed formula 1 and formula 3, wherein Fujii et al teach that the glutarimide (instant formula 1) is present in an amount of 40 to 80% by mole of the overall repeating units, Fujii et al do not specifically teach the content of styrene (instant formula 3) with respect to the glutarimide or a molar ratio of the two units. However, one having ordinary skill in the art at the time of the invention would have been motivated to utilize any amount of styrene within the remaining mole percentage taught by Fujii et al, utilizing routine experimentation to determine the optimum amount of styrene and (meth)acrylate up to the 20 to 60% by mole based upon the desired end use.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R. Jackson whose telephone number is 571-272-1508. The examiner can normally be reached on Mondays-Thursdays, 10:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on 571-272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Monique R Jackson/
Primary Examiner, Art Unit 1794
January 4, 2010